

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

Gauravkumar PATEL, Bharatkumar)

CHAUDHARI, Niravkumar PATEL,)

Meet PATEL, and, Prayag SADHU,)

Defendants.)

Case No. 8:22-mj-818 (CFH)



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of December 25, 2022, in the county of Franklin in the Northern District of New York the defendant violated:

Code Section

8 U.S.C. § 1325(a)(2)

Offense Description

The defendants, aliens and citizen of India, unlawfully eluded examination and inspection by Immigration officials.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

U.S. Border Patrol Agent Adam M. Matott

Printed name and title

Attested to by the Affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: December 27, 2022
*Judge's signature*City and State: Albany, New York

Hon. Christian F. Hummel, U.S. Magistrate Judge

Printed name and title

United States of America v. G. PATEL, B. CHAUDHARI, N. PATEL, M. PATEL, and P. SADHU.

This criminal complaint is based on the following facts:

On December 25, 2022, at approximately 6:35 p.m., Swanton Sector Dispatch (KAD 640) notified Burke, NY Border Patrol Agents of a series of Buckeye trail camera images showing a group of people walking into the United States along the railroad tracks in Fort Covington, NY. Dispatch was then able to utilize a live feed camera to locate a likely load vehicle sitting in the area. The vehicle was described as a larger, dark colored SUV. The vehicle was parked a couple blocks south of the intersection of High Street. Dispatch continued to monitor the group of people and watched as they entered the road at High Street and started walking south to a clump of trees where they stopped. Dispatch was able to relay that the group consisted of 7 people. At this time the suspected pick-up vehicle began traveling toward their location. Dispatch relayed information as they watched the people load into the vehicle and departed southbound on High Street.

Supervisory Border Patrol Agent (SBPA) Cory White responded to the area and watched as the vehicle pulled off High Street onto State Route 37. SBPA White immediately observed that the vehicle contained several passengers as the windows were clear. SBPA White also noted that the vehicle had Florida Registration LDU J66. As he followed the vehicle, he noticed that the windows fogged up with interior condensation. This is something that frequently occurs when larger groups of people first load into a vehicle. Due to SBPA White initially observing the windows without fog and subsequently watching them fog up led him to conclude that this was in fact the same vehicle that dispatch watched pick up the group of illegal entrants just moments before.

SBPA White followed the vehicle to the intersection of State Route 122 and US 11 where a traffic stop was conducted with BPA's Jeremiah Luderman and Jacob Reynolds. SBPA White approached the driver and identified himself as a Border Patrol Agent. He observed that the vehicle contained eight occupants. The driver, Om TRIVEDI, claimed to be from India present in the United States as a nonimmigrant on an F1 Student Visa. The front seat passenger, Gauravkumar PATEL, was determined to be an Indian citizen with no legal status in the U.S., and had just entered the U.S. illegally from Canada. The occupants in the rear of the vehicle were identified as Bharatkumar CHAUDHARI, Niravkumar PATEL, Diya PATEL, Meet PATEL, Anjali SADHU, and Prayag SADHU. When asked their citizenship and immigration status, it was determined that all six rear-seat occupants were Indian citizens who had no legal status in the U.S., and had just entered the U.S. illegally from Canada.

At that time, all eight subjects were arrested and transported to the Burke Border Patrol Station for records checks, interviews, and processing.

At the station, records checks confirmed that TRIVEDI was an Indian citizen legally present in the U.S. on a F1 Student Visa, and that all seven passengers were Indian citizens with no legal right to be in the U.S. Due to a lack of detention space in local county jails, Diya PATEL and Anjali SADHU were released.

Nationals and Citizens of India are required to apply for a visa if they seek to enter the United States. Indian citizens who are issued a visa by the United States government are required to present the visa and the person's passport to an immigration official at a Port of Entry as he or she seeks admission into the United States. G. PATEL, B. CHAUDHARI, N. PATEL, M. PATEL, and P. SADHU do not possess valid visas and records show that they have not applied for one. If G. PATEL, B. CHAUDHARI, N. PATEL, M. PATEL, and P. SADHU had presented themselves to a Port of Entry and asked permission to enter the United States, they would have been denied admission as they do not possess valid United States visas.